

FILED 09 MAR '18 10:47 AM U.S. DIST. CT. PORTLAND, OR

Ryan Bonneau

SWIS # 667424

11540 NE Inverness DR.

Portland, OR 97220

3:18-cv-425-JO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RYAN BONNEAU,
PLAINTIFF,

v.

MULTNOMAH COUNTY
SHERIFF'S OFFICE,
MULTNOMAH COUNTY
OREGON,

UNKNOWN MCSO

EMPLOYEE WITH

DPSST # 37996,

COUNSELOR NORTH,

AND

1 TO 10 UNKNOWN

DEFENDANTS TO BE

DETERMINED THROUGH

DISCOVERY AND TRIAL,

DEFENDANTS.

No.

COMPLAINT

UNDER 42 U.S.C. § 1983

* JURY TRIAL
DEMAND *

* PROSPECTIVE RELIEF
UNDER RULE 65
DEMANDED *

PAGE 1

I. JURISDICTION

1. The events giving rise to this complaint occurred in Portland, Multnomah County Oregon which is located within the physical boundaries of the Portland Division of the District of Oregon.
2. This court has subject matter jurisdiction under Federal Question jurisdiction.

II. PARTIES

3. Ryan Bonneau is the Plaintiff and he is currently being housed under the custody of the U.S. Marshal's Service at Multnomah County Jail in Portland, OR, which is operated by the Lead Defendant MULTNOMAH COUNTY SHERIFF'S OFFICE ("MCSO").
4. MULTNOMAH COUNTY SHERIFF'S OFFICE ("MCSO") and MULTNOMAH COUNTY OREGON (a municipality) are sued in their official capacities and are properly named as prospective relief is requested and liability may be established against municipalities and their branches under Monell.

5. UNKNOWN EMPLOYEE (OF MCSO) WITH DPSST # 37996 works in the mailroom for Multnomah County Sheriff's Office Jails (MCSO Jails) and is sued in his/her individual capacity.
6. COUNSELOR NORA is the MCSO Jails mailroom supervisor and is sued in his/her individual capacity.
7. The Plaintiff estimates there are 1 to 10 Unknown Defendants who he plans on adding to the case via amended complaint at a later time.
8. All defendants acted under the color of law at all times mentioned herein.

III. FACTS

9. The Plaintiff has a close friend named Rueben Espiricueta ("Mr. Espiricueta") Mr. Espiricueta.
 10. The Plaintiff and Mr. Espiricueta are both incarcerated in different prisons/correctional facilities at this time.
- PAGE 3

11. At the present time, the only way that the Plaintiff and Mr. Espinqueta are able to stay in contact is through letter writing back and forth between each other. This correspondence is allowed by the facilities which they are respectively confined in.
12. Defendant Employee DPSSST# has been arbitrarily and capriciously rejecting written correspondence between Plaintiff and Mr. Espinqueta.
13. Specifically, during the last two years, Defendant Employee DPSSST# 37996 has rejected written correspondence between Plaintiff and Mr. Espinqueta multiple times and such rejections violate the constitutional rights of both the sender and receiver of the correspondence.
14. In an attempt to get to the bottom of the reasons behind the rejected correspondence and complain about DPSSST#'s constitutional transgressions Plaintiff contacted Counselor Nora, the mailroom
PAGE 4 supervisor.

15. On 2/13/18 DPSST #37996 returned to sender a letter addressed to Ryan Bonneau sent by Mr. Espinqueta through the U.S. Mail. Also, on 3/16/18 DPSST #37996 rejected another letter and returned to sender a letter addressed to Ryan Bonneau sent by Mr. Espinqueta through the U.S. Mail. (See Complaint Exhibit A Pgs 1-2)
16. Both these Notice of Returned / Confiscated Inmate Mail forms indicate
"This form serves as notice to both Sender and Inmate of the following Mail Violations"
 with a box checked
☒ Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children, and nude baby pictures).
17. The Plaintiff received a letter from Mr. Espinqueta stating "Yes, I will be sending that letter to your attorney. I do not understand "portrayal of sexual activity." I wrote nothing of the sort... Really, I can't recall anything sexually explicit even written in my previous letter to you."

18. The Plaintiff noticed that a disproportionate amount of other inmates were also receiving mail denial notices as the mail was being passed out.
(See Eg. EX. C)
19. DPSS # 37996 signed all of the denial notices of the other inmates he spoke to who had also received them, all with the same accusations of "Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children, and nude baby pictures). Literally stacks of Notice of Returned / Confiscated Inmate Mail forms are being wrongfully issued by DPSS # 37996 on an arbitrary, capricious, or otherwise wrongful basis including two or more from Mr. Espinosa to Plaintiff as described supra.
20. The Plaintiff sent written requests to the mailroom and mailroom Supervisor counselor Nora which are attached as exhibit B and incorporated by reference here.

IV CLAIMS

First Amendment Violation

21. The Defendants interference with the receipt of U.S. Mail of the Plaintiff violates his First Amendment rights under the U.S. Constitution, as explained in the prior paragraphs, *supra*, which are incorporated by reference as if fully restated here.

Unconstitutionally Vague Policy

22. The Defendants actions and inactions as explained *supra* violate:

- A. First Amendment (freedom of speech, freedom of expression, freedom of association)
- B. Fifth Amendment (due process)
- C. Fourteenth Amendment

by having a mail policy or policies which impinge on the ~~rights~~ ^{rights} of the Plaintiff.

Failure to Train

23. Defendants are liable for failing to properly train employees (including co-defendants) to ensure that the constitutional rights of inmates are not infringed upon, and are subjecting Plaintiff to unconstitutional treatment.

V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following relief:

- A. Prospective relief enjoining the Defendants from committing similar constitutional transgressions against the Plaintiff during the pendency of this case by way of entering an appropriately tailored ~~Anti Order~~^{Order} for Temporary Restraining Order and/or Preliminary Injunction ~~enjoining~~^{enjoining} The Plaintiff certifies he mailed a true and correct copy of the complaint to the Defendants c/o their counsel at the Office of the Multnomah County Attorney 501 SE Hawthorne Blvd. Suite 550 Portland, OR 97214;
- B. Compensatory Damages against each Defendant = \$1,500,000;
- C. Punitive Damages against each Defendant = \$4,500,000;
- D. Declaratory Relief that Defendants violated Plaintiff's constitutional rights;

E. Attorneys fees, costs, fees, and expenses incurred by Plaintiff or on his behalf;

F. Any other relief deemed appropriate by the trier of fact not to exceed the amount of \$6,000,000.

G. Trial by jury.

IV. VERIFICATION

I verify under penalty of perjury that the foregoing is true and correct and specifically pursuant to 28 U.S.C. § 1746.

Respectfully submitted,

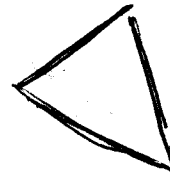
R. Bonneau 3/6/18
Ryan Bonneau
Plaintiff pro se

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Bonneau, Ryan Swis #: 667424Housing Location: 1572 Sender: Ruben Espiricueta

- ☒ Returned to Sender ☐ Confiscated
☐ No Returned Address / "Dead Letter" Office

This form serves as notice to both Sender and Inmate of the following Mail Violations

- ☐ Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.
- ☐ Escape plans.
- ☐ Drugs and/or drug paraphernalia.
- ☐ Flammable materials.
- ☐ Polaroid photos or any photo with stiff backing.
- ☐ Loose pages/clippings of any publications.
- ☐ Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.
- ☐ Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.
- ☐ Books exceeding 2 pound maximum, and/or exceeded four in total.
- ☐ Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.
- ☐ Envelopes unless officially self-addressed.
- ☐ Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...
- ☒ ~~Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children and nude baby pictures).~~
- ☐ Inflammatory material that constitutes a threat to the security and safety of the facility.
- ☐ Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).
- ☐ Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...
- ☐ Bulk rate, third or fourth class "junk" mail (is discarded).
- ☐ Communication that is "Restrained" by the Court.
- ☐ Deceptively addressed items and/or envelopes.
- ☐ Forwarded messages from anyone other than sender and sendee.
- ☐ Blank paper.
- ☐ OTHER: _____



→ **If any item of mail is found Unacceptable the entire piece of mail is returned to the sender.**
First Class mail with No Return Address is sent to the US Postal "Dead Letter Office". ←

Date: 2/13/18 Staff Name: [Signature] DPSST 37496

PRINTED

To appeal or contest this decision, refer to information on back of form

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Bonneau, Ryan Swis #: 667424Housing Location: 1159 Sender: Ruben Espinoza☒ Returned to Sender☐ Confiscated☐ No Returned Address / "Dead Letter" Office**This form serves as notice to both Sender and Inmate of the following Mail Violations**

- ☐ Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.
- ☐ Escape plans.
- ☐ Drugs and/or drug paraphernalia.
- ☐ Flammable materials.
- ☐ Polaroid photos or any photo with stiff backing.
- ☐ Loose pages/clippings of any publications.
- ☐ Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.
- ☐ Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.
- ☐ Books exceeding 2 pound maximum, and/or exceeded four in total.
- ☐ Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.
- ☐ Envelopes unless officially self-addressed.
- ☐ Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...
- ☒ Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children and nude baby pictures).
- ☐ Inflammatory material that constitutes a threat to the security and safety of the facility.
- ☐ Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).
- ☐ Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...
- ☐ Bulk rate, third or fourth class "junk" mail (is discarded).
- ☐ Communication that is "Restrained" by the Court.
- ☐ Deceptively addressed items and/or envelopes.
- ☐ Forwarded messages from anyone other than sender and sendee.
- ☐ Blank paper.
- ☐ OTHER: _____

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Date: 3/6/18 Staff Name: [Signature] DPSST 37946

PRINTED

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COMPLAINT
EX-A
2062

Multnomah County Sheriff's Office

Jual

SERVICE REQUEST FORM

NAME: Ryan Bonneau SWIS#: 667424 DATE: 2/13/18
 HOUSING UNIT: 15-72 SEX: (M) F (Circle) RACE: W

1. READ THIS SECTION

Refer to the INMATE MANUAL and COMMONLY ASKED QUESTIONS booklets in your housing area for information relating to your request, before completing this form. Use only one form for each request. Don't expect a personal response to each request, but be assured staff will act on your request in an appropriate manner. (Follow instructions below when completing Steps 2 & 3)

2. MARK THE APPROPRIATE BOX*(Check Only One)*☐ FOOD SERVICES☐ RECORDS☐ COUNSELOR: _____☒ INMATE MAIL☐ CLASSIFICATION☐ SERGEANT: _____☐ INMATE PHONES☐ CHAPLAIN☐ SHIFT LT: _____☐ PROPERTY☐ EDUCATION☐ FACILITY COMMANDER☐ COMMISSARY☐ LAW LIBRARY☐ OTHER: _____**3. WRITE YOUR REQUEST BELOW***(Be specific and provide only information relating to your request)*

Today I received a Notice of Returned/Confiscated Inmate Mail
 the sender was Ruben Espiricueta The Staff DPSST is 37996
 A box was checked stating "Material encouraging or
 containing portrayals of sexual activity" for the violation
 This does not explain what the problem is. I find it hard
 to believe there were sexually explicit pictures coming
 from someone in State prison. So can you elaborate as to what
 the problem was? Thank you

Staff Use OnlyDate Received: _____ Date Responded: 2/14/18

after review of the notice
 please be aware that Returned
 mail can be a violation due to written
 content as well

Responded By: JualDPSST#: 93140
 (X13)
 1062

Mail

SERVICE REQUEST FORM

NAME: Ryan Bonneau SWIS#: 667424 DATE: 2/26/18
 HOUSING UNIT: 11-59 SEX: (M) F (Circle) RACE: W

1. READ THIS SECTION

Refer to the INMATE MANUAL and COMMONLY ASKED QUESTIONS booklets in your housing area for information relating to your request, before completing this form. Use only one form for each request. Don't expect a personal response to each request, but be assured staff will act on your request in an appropriate manner. (Follow instructions below when completing Steps 2 & 3)

2. MARK THE APPROPRIATE BOX

(Check Only One)

☐ FOOD SERVICES☐ RECORDS☒ COUNSELOR: Nora☐ INMATE MAIL☐ CLASSIFICATION☐ SERGEANT: _____☐ INMATE PHONES☐ CHAPLAIN☐ SHIFT LT: _____☐ PROPERTY☐ EDUCATION☐ FACILITY COMMANDER☐ COMMISSARY☐ LAW LIBRARY☐ OTHER: _____

3. WRITE YOUR REQUEST BELOW

(Be specific and provide only information relating to your request)

The mailroom (which Sgt. Blair states you are over) and specifically an employee with DPSST #37996 has been unconstitutionally denying mail because the mail contains written words which I am assuming this person finds offensive. However, this is an unconstitutional denial of mail under freedom of speech/freedom of expression for the sender and freedom of association and expression for the recipient. I've had multiple pieces of mail wrongfully denied. It becomes more problematic when deputies are passing out more denials than letters. Please look into this. I know how to get the federal court to intervene due to the constitutional ramifications of this and will do so if this is not resolved promptly. Thank you.

Staff Use Only

Date Received: 2/27/18 Date Responded: 2/27/18

Could you please be more specific? I show that you have only ONE letter since 1/1/18 that has been returned to sender when you were in dorm 15. Please be ^{more} familiar with mailroom

Placed
Responded By: [Signature]DPSST#: 98140

EX-16

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Lawson, Elijah Swis #: 766269Housing Location: 1103 Sender: Areshka Carell

- ☒ Returned to Sender ☐ Confiscated
☐ No Returned Address / "Dead Letter" Office

This form serves as notice to both Sender and Inmate of the following Mail Violations

- ☐ Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.
- ☐ Escape plans.
- ☐ Drugs and/or drug paraphernalia.
- ☐ Flammable materials.
- ☐ Polaroid photos or any photo with stiff backing.
- ☐ Loose pages/clippings of any publications.
- ☐ Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.
- ☐ Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.
- ☐ Books exceeding 2 pound maximum, and/or exceeded four in total.
- ☐ Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.
- ☐ Envelopes unless officially self-addressed.
- ☐ Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...
- ☒ ~~Material encouraging, or containing portrayals of sexual activity, nudity~~ (includes partially nudes, nude children and nude baby pictures).
- ☐ Inflammatory material that constitutes a threat to the security and safety of the facility.
- ☐ Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).
- ☐ Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...
- ☐ Bulk rate, third or fourth class "junk" mail (is discarded).
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- ☐ Deceptively addressed items and/or envelopes.
- ☐ Forwarded messages from anyone other than sender and sendee.
- ☐ Blank paper.
- ☐ OTHER: _____

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First Class mail with No Return Address is sent to the US Postal "Dead Letter Office". ←

Date: 2/23/18 Staff Name: [Signature] DPSST 37496

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EX-C
1061